

Department of Housing and Community Development (DHCD)
Division of Housing Stabilization (DHS)
Emergency Assistance (EA) Program

Uniform Shelter Program Rules

*Rules effective October 1, 2011. Shelters are to post copies of the new Uniform Rules and the effective date. **Rules apply to both congregate and scattered site shelters, and hotel/motel placements, except as noted.**¹ Shelters are to use the USR-1 Form, Infraction of Uniform Shelter Rules, to report on infractions of the Uniform Shelter Rules. The infraction numbers on the form are for guidance only and are not determinative of the actual number of rule infractions. A single incident that could be considered as an infraction of two of the rules for purposes of the “three infractions equals one noncompliance rule,” 106 CMR 309.040 (E) (1) (d), will be counted as only one infraction. In such circumstances, however, shelter staff should check all possibly applicable rule infractions on the USR-1 form.*

Guiding Principles

- Humane and dignified treatment of families, including maintaining some degree of privacy
- Health and safety of guests, staff, and community
- Preservation of families’ autonomy and promotion of independent living/self-sufficiency
- Successful shelter management and program administration

Access to Units/Searches

Rooms and/or units in congregate shelters may be checked for cleanliness and health or safety hazards with at least 24-hours notice or on a regular basis, provided that notice of the inspection schedule is provided to EA Households at least 24-hours in advance of the first regular inspection. In addition, staff has 24 hour access to all congregate shelter units in cases of emergencies. Unannounced inspection or emergency visits to scattered site units and hotel/motel placements are permitted. Any doors within a hotel/motel or shelter unit, including closet doors, may be opened during inspections and emergencies.

Except to the extent provided in this rule, shelter staff is not permitted to search personal belongings of EA households. Shelter staff, may, however, call the police at their discretion if they suspect that a member of an EA Household or a visitor is engaged in criminal activity, has a weapon on the premises, or otherwise poses a threat to the health or safety of shelter residents or staff. In the above circumstances, when shelter staff determines that an immediate threat to the health or safety of shelter residents or staff exists, or the destruction of evidence is imminent, the senior shelter staff person on the premises at the time may consent to the police conducting a search of any unit. Such senior shelter staff person may also consent to the search of a unit by police when such person has a reasonable suspicion that such a search will produce any item (1) that is likely to cause harm or to be used for criminal purposes (including, but not limited to, a firearm), and (2) which staff may not legally possess. In any circumstance outlined above, when shelter staff call the police, they may also restrict access to the unit by the EA Household until police arrive and, after the arrival of police, to the extent requested by police.

Babysitting

This rule applies only to on-site babysitting at shelter. Offsite babysitting is not covered by this rule, and is permitted so long as it is consistent with an EA family’s rehousing plan.

¹ Note that, unless otherwise indicated, all references to shelters and shelter staff in these Uniform Rules shall apply to DHS staff or their designees in hotel/motel placements.

Provision of babysitting for a reasonable and limited amount of time by a non-member of an EA Household is permitted, except in hotels and motels, but only (i) when approved by shelter staff, and (ii) subject to DHS Babysitting Guidelines, including a written babysitting agreement on a standard DHS form to be signed by the head of the EA Household, the babysitter, and shelter staff. Shelter staff retain the right to exercise reasonable discretion in approving a babysitter.

Care of Children

The adult members of an EA Household and any teenage parent(s) of a child in an EA Household are responsible for providing for the health, safety, and welfare of any child/children in the EA unit (e.g. compliance with school attendance, ensuring children are properly fed and rested). This responsibility is in no way diminished when an EA Household is off site, e.g. on an approved overnight, or because the EA Household complies with other shelter rules, such as curfews.

Curfew

The EA household shall comply with any curfew imposed by the shelter, in which case the curfew shall not be earlier than 9:00pm on weekdays (Sunday – Thursday evenings) and 11:00pm weekends (Friday & Saturday evenings) and shall not be later than 11:00pm (Sunday – Thursday evenings) and 1:00am (Friday & Saturday evenings). Shelters are not required to alter their program or meal schedules due to curfews.

A shelter may impose a quiet time to commence not more than one hour before the curfew time.

Any curfews must be adjusted on a case by case basis for the EA Household's work schedule, or for other rehousing plan obligations.

Special exceptions to curfew requirements may be permitted by shelter staff on a case by case basis, for good cause only, such as scheduled sports, school, church, and community activities.

Compliance with curfew times does not relieve EA Household members of responsibility for fulfilling their shelter assignments and providing for the health, safety, and welfare of children in the EA Household.

DHS Requirements

The EA Household shall comply with all applicable DHS requirements, including those listed in the rehousing plan (i.e. savings, housing search, job search), or, in the absence of a rehousing plan, the minimum requirements of a rehousing plan as listed in 103 CMR § 309.040 (D) (2).

Drug Testing

Drug testing, including urine screens and blood and breathalyzer tests, is not conducted at random or across the board; however, the EA Household shall comply with any staff request for drug testing made after staff has formed an individualized and reasonable suspicion that an EA household member is abusing controlled substances. Any such testing shall be performed at the expense of the shelter.

Fire Safety & Smoking

Smoking is prohibited inside any shelter unit or building.

Removal of smoke or carbon monoxide detectors, or the batteries within them, is prohibited.

Shelters shall designate and inform residents of unenclosed outdoor area(s) where smoking is permitted.

All EA Household members shall maintain their living areas free from fire hazards. Apart from smoking in designated outdoor areas, use of any flames or flammable materials, including but not limited to: lighters, matches, candles, incense, firecrackers, gas or charcoal grills, is prohibited anywhere on shelter property, except with the expressed consent of shelter staff (e.g. candles for birthday parties, shelter-provided outdoor grills, lighting the stove when pilots go out).

Hot plates and other cooking appliances are permitted only in kitchens or shelter designated cooking areas.

Illegal Activity

Any activity that is illegal under local, state, or federal law is prohibited on or in the immediate vicinity of shelter property.

Legal Issues

Pursuant to 106 CMR 309.020 (K), a member of the EA Household is not eligible for benefits if the individual has an outstanding default or arrest warrant which the individual has been made aware of and has not resolved within 30 days of such notice.

Resolution of legal issues shall be incorporated into the rehousing plan. In support of this requirement, the EA Household shall provide the shelter staff and DHS staff with information regarding warrants, restraining orders – for which the individual is either a plaintiff or defendant – and any other court orders or pending legal matters such as probation, child support obligations, or court appearances.

Overnights

EA Households are expected to stay at the homeless shelter or hotel/motel every night. However, EA Households may take a **total** of four nights (overnights) out of a homeless shelter or hotel/motel per month, as an entire household. An EA Household's request for an overnight away from homeless shelter must be with the prior approval of the homeless shelter staff. An EA Household's request for an overnight away from a hotel/motel should to be made to the Regional Assistant Director or his/her designee through the homeless coordinator.

In addition, absences by individual EA Household members from a homeless shelter or hotel/motel for more than 2 consecutive nights are not permitted, except when explicitly allowed by DHS for good cause (e.g., children attending summer camp, custody agreements, hospitalizations). Such requests should to be made to the Regional Assistant Director or his/her designee through the homeless coordinator.

The EA Household must request authorization from the homeless shelter staff in the case of EA Households in a homeless shelter, and from the Regional Assistant Director or his/her designee through the homeless coordinator in case of a EA Households in a hotel/motel, when any individual family member will be absent from the homeless shelter or hotel/motel for a single overnight.

Homeless shelters may withhold approval of overnights in connection with the EA Household's failure to observe program rules and requirements.

Requests by an entire household for five or more overnights in a row should be made on the Form TESI-1.

All requests to DHS for additional overnights pursuant to this rule should be directed through the applicable homeless coordinator.

Personal Belongings

An EA Household may not bring more than the equivalent of two large (30-gallon) bags full of personal belongings per person with them into shelter, including scattered site and hotel/motel settings.

The EA Household is responsible for removing all belongings upon moving out of the shelter.

The EA Household may leave at the shelter, at most, a few items of personal significance, cleanly packed, able to be readily stored in a small area outside the dwelling space to await the prompt return of the EA Household to move the items to their next residence.

After a family has vacated the unit, any items not removed from congregate or scattered site locations will be bagged and held for 48 hours before they are donated or thrown away. DHS cannot guarantee any storage of belongings after an EA Household moves out of a hotel/motel placement.

Shelters may hold items for more than 48 hours at their discretion.

Pets

Pets or animals of any kind are not permitted on shelter property at any time, except for documented service animals. This includes temporary care of and/or visiting pets.

Prescription Medication

The EA Household is responsible for the storage and administration of prescribed medications.

However, if there is not a safe and secure area, out of the reach of children, and away from cleaning fluids and toxic substances, then the EA Household may request assistance from shelter staff of congregate and scattered site locations with safe and secure storage. Such assistance is not available in hotel/motel placements.

Sexual Harassment

Sexual harassment of anyone on shelter property, including other residents, guests, service providers, or shelter staff, is prohibited.

Substance Abuse

Use and possession of alcohol or any controlled substance(s) is prohibited on shelter property.

Abuse of alcohol or controlled substances outside of the program, to the extent that it results in behavior that interferes with an EA Household member's rehousing plan, threatens the health or safety of anyone on shelter property, or creates a disruption to shelter management, is prohibited.

Misuse of prescription medication will be considered substance abuse.

Violent Behavior & Child Abuse and Neglect

Behavior that poses a threat to the health and safety of self, members of the EA Household, other residents, guests, service providers, or shelter staff is prohibited. This includes any acts of physical and sexual violence, threats, abusive language, or intimidation.

No form of child abuse or physical discipline will be tolerated on shelter property. Shelter staff, DHS employees and other service providers must report all incidents of child abuse and neglect to the Department of Children and Families.

Visitors

The EA Household may meet with visitors, for a reasonable and limited amount of time, in space(s) where the shelter deems appropriate, (e.g. areas where an individual would meet with a service provider). Shelters may determine appropriate visiting hours. Visitors are not permitted in hotel/motel rooms assigned to an EA household. Visitors are permitted in common areas of hotels/motels if permitted by hotel/motel management.

The EA Household is responsible for the conduct of its visitor(s), and therefore will be held accountable if its visitor(s) violates any rules or requirements of the shelter.

No overnight visitors are permitted, except as provided below. If space is available in shelter, shelter staff, with DHS authorization, may agree to overnight visits by children whose primary residence is not within the EA household, upon request by DCF or a court order directed to an adult member of the EA household.

All requests to DHS for overnight visitors should be directed through the applicable homeless coordinator.

The EA Household must provide the name of the visitor at least 24 hours beforehand unless the shelter deems less notice appropriate, or in the case of emergencies.

Adult visitors must leave a photo ID, and sign in and out of the shelter. Visitors to scattered site units do not need to provide a photo ID unless shelter staff is available on the premises; however, the EA Household must still register all visitors to shelter staff.

Shelters may withhold approval of visitors in connection with the EA Household's failure to observe program rules and requirements.

Weapons

Possession or storage of weapons of any kind is prohibited on shelter property.

A weapon includes any object that is used to inflict bodily injury, or to threaten harm, whether or not the object was intended to be a weapon.

Note Regarding House Rules:

Nothing in these Uniform Rules prohibits shelters from adopting House Rules regarding day-to-day activities in shelter, such as cleaning rotations, cooking duties, noise levels, television viewing hours, or parking requirements, so long as the House Rules do not contradict these Uniform Rules or EA statutes or regulations. Infractions of House Rules, however, shall not be treated as rule violations leading to a possible noncompliance finding or termination of EA benefits pursuant to 106 C.M.R. § 309.040 (E) (1) (d). Infractions of House Rules may lead to warnings or loss of house privileges, such as television time, and repeated infractions may lead to modification of an EA Household's Rehousing Plan to require compliance with specific House Rules. House Rules remain subject to DHS review and approval.